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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,612	06/29/2004	Stefan Schorling	HT-116	4311

7590 03/31/2006

Mark P Stone  
4th Floor  
25 Third Street  
Stamford, CT 06905

EXAMINER

MAH, CHUCK Y

ART UNIT PAPER NUMBER

3677

DATE MAILED: 03/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/500,612

**Applicant(s)**

SCHORLING, STEFAN

**Examiner**

Chuck Mah

**Art Unit**

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 5, it is not clear what is being defined as “both ends thereof” of the “one or more elongate hangers”. “both ends thereof” may only be consistent with “one” hanger but inconsistent with “more” hangers. Note similar errors in claim 8, lines 5-6.

Claim 2 is vague and indefinite since the claimed system is being defined in terms of an unclaimed limitation, the rod. Note that base claim 1 merely states that the hooks are “adapted to be suspended on a rod”. The rod and any of its associated structure in any claim depending from claim 1 are not considered positive limitations.

In claim 3, lines 2-3, “said at least one of the brackets” should be “at least one of said brackets”.

In claim 5, line 3, it is not clear what “the two curtains” are referring to and how the two curtains are structurally related to the “at least one panel curtain” of claim 1. Note similar errors in claims 14 and 15.

In claim 21, “a single panel curtain is mounted to each...” is confusing since it is not clear whether applicant attempts to claim that a single curtain is mounted to all hangers of the system, or that a plurality of curtains are mounted to each of the hangers, respectively. Note similar errors in claim 22.

In claim 13, lines 4-5 are confusing. Apparently, “one hook of another said elongated hanger” should be “another hook of said at least one elongated hanger”. Original claim language suggests “one hook” is from another unrelated elongated hanger. Note similar errors in claim 20.

***Claim Rejections - 35 USC § 102***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1-4, 6-10, 12, 18, 19, 21 and 22, as best as understood, are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Schofield '097. See last official action.

***Claim Rejections - 35 USC § 103***

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 5, 13, 14, 15 and 20, as best as understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Schofield '097 in view of Tendrich et al '631 for the same reasons as stated in paragraph 7 of last office action.

7. Claims 11, 16 and 17, as best as understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Schofield '097 in view of Isserstedt (2,388,061).

'097 discloses the invention as claimed but for placing the hangers overlapping each other. '061 teaches a curtain suspending means having hangers overlapping each other to provide an evenly draped curtain without the need of re-adjust. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the hangers of '097 with the hangers overlapping each other, as taught by '061 to provide an evenly draped curtain without any further adjustment.

### ***Response to Arguments***

8. Applicant's arguments filed Jan. 23, 2006 have been fully considered but they are not persuasive. Applicant's primary argument is based on that the '097 reference is not directed to panel curtains and that the reference discloses only a conventional foldable curtain. However, the claims do not clearly define "panel curtains". As pointed out by applicant, "panel curtains" are comparatively stiff, but they may also be soft. '097 certainly meets the limitations as claimed.

***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

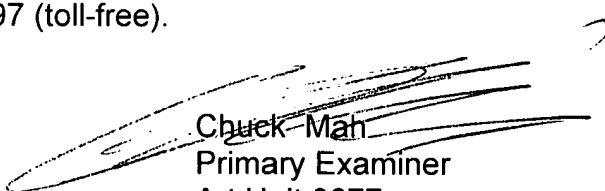
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuck Mah whose telephone number is (571)272-7059. The examiner can normally be reached on 5/4-9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on (571)272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3677

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Chuck Mah  
Primary Examiner  
Art Unit 3677

CM